

However, this is a conclusory statement of subjective belief and does not explain the reasoning by which the evidence of record supports making the combination of references. The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). The provided reasoning lacks support of substantial, objective evidence of record. Further, the fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); MPEP § 2143.01. Thus, it appears the rejection of claims 1-59 based on the combination of Riley in view of Armstrong, II is based on either impermissible hindsight or on the Examiner's personal knowledge that is not of record.

In the event that the combination was made based on the Examiner's personal knowledge, Applicant assumes the Examiner is taking Official Notice to provide the motivation to combine the references. Applicant respectfully traverses this taking of Official Notice and, pursuant to MPEP § 2144.03, Applicant respectfully requests that the Examiner cite references in support of this position.

With regard to claims 2-5, 7-10, 12-15, 17-21, 23-26, 28-31, 33-36, 38-41, 43-46, 48-51, 53-55, and 57-59, the Office Action states that the additional elements of these claims would have been obvious to a person of ordinary skill in the art. Although not explicitly stated, it appears the Office Action is taking Official Notice of the additional elements of these claims and, pursuant to MPEP § 2144.03, Applicant respectfully objects to the taking of Official Notice and request that the Examiner cite references in support of these positions.

Thus, Applicant respectfully submits that claims 1-59 are patentable over the combination of Riley in view of Armstrong, II because the combination of references is improper. Reconsideration and allowance of claims 1-59 is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date July 13, 2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of July, 2005.

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